

PTO/SB/51 (12-97)

Approved for use through 8/30/00, OMB 0651-0033

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| | | |
|--|--|---|
| SUBSTITUTE REISSUE APPLICATION DECLARATION BY THE INVENTOR | | Docket Number (Optional) MTS-520US1 |
| <p>As a below named inventor, I hereby declare that My residence, post office address and citizenship are stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number <u>5,761,301</u>, granted <u>June 2, 1998</u>, and for which a reissue patent is sought on the invention entitled <u>MARK FORMING APPARATUS, METHOD OF FORMING LASER MARK ON OPTICAL DISK, REPRODUCING APPARATUS, OPTICAL DISK AND METHOD OF PRODUCING OPTICAL DISK</u>, the specification of which</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed on <u>June 2, 2000</u> as reissue application number <u>09 / 588,364</u> and was amended on _____ (If applicable)</p> <p>I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p> <p><input type="checkbox"/> by reason of a defective specification or drawing.</p> <p><input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.</p> <p><input type="checkbox"/> by reason of other errors.</p> <p>At least one error upon which reissue is based is described as follows: See Attachment.</p> | | |

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Burdén Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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| | | | |
|---|---|--|--------------------------|
| (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2) | | Docket Number (Optional) MTS-S20US1 | |
| All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. | | | |
| Name(s) | | Registration Number | |
| <u>Allan Ratner</u> | | <u>19,717</u> | |
| <u>Jacques L. Etkowicz</u> | | <u>41,738</u> | |
| Correspondence Address: Direct all communications about the application to: | | | |
| <input checked="" type="checkbox"/> Customer Number | | Type Customer Number here | |
| OR | | Place Customer Number Bar Code Label here 23122 | |
| PATENT TRADEMARK OFFICE | | | |
| <input checked="" type="checkbox"/> Filing of Individual Name | <u>Ratner & Prestia</u> | | |
| Address | <u>P.O. Box 980</u> | | |
| Address | | | |
| City | <u>Valley Forge</u> | State | <u>PA</u> |
| ZIP | <u>19482</u> | | |
| County | | | |
| Telephone | <u>610-407-0700</u> | Fax | <u>610-407-0701</u> |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed. | | | |
| Full name of sole or first inventor (given name, family name) | | | |
| <u>Mitsuaki Oshima</u> | | | |
| Inventor's signature <u>Mitsuaki Oshima</u> | | | |
| Residence | <u>Kyoto, Japan</u> | Date | <u>November 12, 2002</u> |
| Post Office Address | <u>115-3, Minamitatsucho, Katsura, Nishikyo-ku, Kyoto-shi, Kyoto 615, Japan</u> | | |
| Citizenship | <u>Japanese</u> | | |
| Full name of second joint inventor (given name, family name) | | | |
| <u>Yoshiho Gotoh</u> | | | |
| Inventor's signature <u>Yoshiho Gotoh</u> | | Date <u>November 13, 2002</u> | |
| Residence | <u>Osaka, Japan</u> | Citizenship | <u>Japanese</u> |
| Post Office Address <u>Room 201, 9-17, Higashinakamura 4-chome, Jyoto-ku, Osaka-shi, Osaka 536, Japan</u> | | | |
| Full name of third joint inventor (given name, family name) | | | |
| Inventor's signature | | Date | |
| Residence | | Citizenship | |
| Post Office Address | | | |
| <input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto. | | | |

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**Attachment to PTO/SB/51 (12-97)
Reissue Application Declaration by the Inventor**

At least one error upon which reissue is based is described as follows:

During the prosecution of the application that issued as the above patent, the inventors did not recognize that the features disclosed in the patent at column 12, lines 30-36 were appropriate to claim. As such, the inventors did not claim all that they had a right to claim. This error was made without deceptive intent. Specifically, the inventors did not claim any one or more of the features of the reflective layer being trimmed by a laser to form a barcode-like trimming pattern or at least one marking.

More specifically, the inventors did not claim any one of the features of trimming the reflective layer of an optical disk to form a barcode pattern, where the barcode pattern is formed on a track of the disk. In addition, the inventors did not claim any one of the features of trimming the reflective film of an optical disk to form a marking by a laser, where the marking is formed on a track of the disk. These errors were made without deceptive intent.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which the priority date is claimed:

Prior Foreign Application(s)

| <u>(Number)</u> | <u>(Country)</u> | <u>(Day/Month/Year Filed)</u> |
|-----------------|------------------|-------------------------------|
| 6-283415 | Japan | 17/November/1994 |
| 7-016153 | Japan | 02/February/1995 |
| 7-261247 | Japan | 09/October/1995 |

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